

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

ORDER
10-CR-028 (RJD)

JOHN DOE,

Defendant.

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DEARIE, Chief Judge.

On January 14, 2010, the United States Attorney's Office and the defendant moved to, among other things, close the courtroom for a proceeding, seal the transcript of the proceeding, and replace the defendant's real name with the name "John Doe" in the case caption. Prior to the hearing on the motion, notice was placed on the Court's public calendar, indicating the date and time the motion would be heard. In a written order dated January 14, 2010, and filed under seal, the Court granted the motion.

On January 22, 2010, the government and defendant again moved to close the courtroom for a proceeding and seal the transcript of the proceeding. Prior to the hearing on the motion, notice was again placed on the Court's public calendar, indicating the date and time the motion would be heard. In a written order dated January 22, 2010, and filed under seal, the Court granted the motion.

In a letter to the Court dated January 29, 2010, the New York Post (the "Post") made an application requesting that the case file be unsealed. A hearing on the Post's application was held that same morning in open court. At the hearing, the government stated its objection to the Post's application. After the hearing, the government filed, under seal, an ex-parte letter with the Court, further stating its and the defendant's objections to the Post's application.

After considering the arguments raised at the hearing on the 29th and in the parties' correspondence, the Post's application to unseal the case is denied. A Memorandum of Decision, to be filed under seal, will follow shortly. The case will remain sealed pending further Court order or formal unsealing of relevant materials.

SO ORDERED.

Dated: Brooklyn, New York
February 1, 2010

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge